

REMARKS

Reconsideration of this application, as amended, is requested. Claims 1, 8, 10, 13, 15, 16, 18, 20, 21, 23 and 25-29 remain in the application. Claims 2 and 4-6 were canceled in the Preliminary Amendment filed with the application. Claims 7 and 24 are canceled with this amendment. New claims 25-29 have been added. It is believed that the fee for the new claims was processed previously. However, the Examiner may charge our Deposit Account No. 03-1030 if additional fees are required.

All of the amendments have proper support in the original application. More particularly, the amendments to the first subparagraph of claim 1 have support in paragraph 0049 of the substitute specification and in original FIGS. 2 and 6D. The amendments to the third subparagraph of claim 1 have support in paragraph 0057 of the substitute specification and in original FIGS. 2, 6E and 6F. The amendments to the last subparagraph of claim 1 have support in paragraph 0069 of the substitute specification and in original FIG. 8A.

The amendments to the first, third and last subparagraphs of independent claim 10 have support in the substitute specification at the same locations mentioned above with respect to the first, third and last subparagraphs of amended claim 1.

The amendments to the first subparagraph of claim 15 have support in paragraph 0091 of the substitute specification and in original FIG. 16. The amendments to the third subparagraph of amended claim 15 have support in paragraph 0092 of the substitute specification and original FIG. 16. The amendments to the next to last subparagraph of claim 15 have support in original FIG. 16.

The amendments to the first and second subparagraphs of amended claim 20 have support in paragraphs 0108 and 0131 of the substitute specification and in original

FIGS. 18 and 26. The amendments to the third subparagraph of claim 20 have support in paragraphs 0109 and 0132 of the substitute specification and in original FIGS. 18 and 26.

The limitations of claim 25 have support in paragraph 99 of the substitute specification and in original FIG. 16.

The limitations of new claim 26 have support in paragraph 0096 of the substitute specification and in original FIG. 16.

The limitations of claim 27 have support in paragraph 0108 of the substitute specification and in original FIG. 18.

The limitations of claim 28 have support in paragraph 0092 of the substitute specification and in original FIG. 16.

The limitations in the first subparagraph of new claim 29 have support in paragraph 0122 of the substitute specification and in original FIG. 21. The limitations of the second and third subparagraphs of new claim 29 have support in paragraph 0123 of the substitute specification and in original FIG. 21. The limitations of the fourth subparagraph of new claim 29 have support in paragraph 0124 of the substitute specification and in original FIG. 21. Finally, the limitations of the last subparagraph in new claim 29 have support in paragraph 0125 of the substitute specification and in original FIG. 21.

Claim 8 was rejected under 35 USC 112, second paragraph. The Examiner identified a limitation in claim 8 that did not have sufficient antecedent basis.

The amendments to claim 8 are believed to address the rejection under 35 USC 112, second paragraph.

Claims 1, 3, 7, 9-15, 17-20 and 22-24 were rejected under 35 USC 102(b) or 35 USC 103(a) in view of Otsubo et al. (US 6,827,804). The Examiner identified portions

of the disclosure of Otsubo et al. that were considered to correspond to the limitations of the original claims. In this regard, the Examiner asserted that the Otsubo et al. reference teaches a step (55) of attaching a cover sheet with absorber (84) to bridge between cut first and second webs and a step of widening (54) the first and second webs to which the cover sheet/absorber is attached (55).

The Otsubo et al. reference discloses a method where an elongate web is provided and first and second elastic members are fed onto the web to define two substantially parallel and substantially sinusoidal curves that are in phase with one another. The web then is cut along a substantially sinusoidal line bisecting a distance between the first and second elastic members to provide a first web half and a second web half. Each web half has an alternating arrangement of troughs and crests as explained in column 4, lines 45-66 of Otsubo et al. The two web halves then are moved away from one another in directions transverse to their longitudinal directions. A body fluid absorbent pad member 84a then is placed on the first and second web halves to bridge the spacing therebetween. This aspect of the Otsubo et al. disclosure is illustrated clearly in FIG. 2 and is described at col. 4, line 66 to col. 5, line 8.

In contrast to Otsubo et al., the method defined by amended claim 1 positively recites a step of "attaching a cover sheet to the first web and the second web" prior to the step of "spacing the first web and second web from each other." Thus, after the step of attaching the cover sheet to the first and second webs, the method includes spacing the first web and the second webs from each other. As a result, the cover sheet is expanded as the first web and the second web are spaced. The method proceeds by "attaching an absorber onto the expanded cover sheet." The disposable wearing article is less likely to have wrinkles and creases by attaching the cover sheet to the first and

second webs before the first and second webs are spaced from one another. The absorber then is attached on the expanded cover sheet that is relatively free of wrinkles and creases, particularly as compared to Otsubo et al. where the cover sheet is attached after the first and second webs are spaced from one another.

The Otsubo et al. reference has absolutely no suggestion of a method that includes a step of attaching a cover sheet to the first web and the second web and then a step of spacing the first web and the second web from each other, the cover sheet being expanded as the first web and the second web are spaced. Accordingly, it is submitted that the invention defined by amended claim 1 and its dependent claims 3, 7 and 9 is not taught or suggested by Otsubo et al.

Independent claim 10 defines a method of manufacturing an elastic laminated body by laminating two webs, with an elastic member being in an extended state in a web length direction between the two webs. Claim 10 proceeds by cutting the elastic laminated body in a length direction of the elastic laminated body into a first elastic laminated body and a second elastic laminated body, each having concave portions and convex portions alternately. Claim 10 proceeds with a step of attaching a cover sheet to the concave portion of the first elastic laminated body and the convex portion of the second elastic laminated body, followed by a step of spacing the first elastic laminated body and the second elastic laminated body from each other. As a result, the cover sheet is "expanded as the first elastic laminated body and the second elastic laminated body are spaced." The absorber then is attached to the expanded cover sheet. The first and second elastic laminated body to which the cover sheets are attached are less likely to cause wrinkles and creases to occur, particularly as compared to first and second elastic laminated bodies that have not had the cover sheet attached thereto. As a result, almost

no wrinkles and creases occur on the first and second elastic laminated bodies spaced from each other nor on the cover sheet. This enables the attachment of the absorber to the cover sheet in which wrinkles and creases have been suppressed.

For the reasons explained above, it is submitted that the Otsubo et al. reference does not teach or suggest the method defined by amended claim 10.

Amended independent claim 15 is directed to a method that includes a step of cutting an outer surface web in a length direction into a first outer surface web and a second outer surface web. The method of amended claim 15 then includes spacing the first and second outer surface webs from each other. Claim 15 proceeds by cutting an inner surface web into a first inner surface web and a second inner surface web followed by spacing the first inner surface web and the second inner surface web from each other. Claim 15 then proceeds with manufacturing a first elastic laminated body and a second elastic laminated body by laminating the first outer surface web to the first inner surface web and laminating the second outer surface web to the second inner surface web. The elastic members are defined in claim 15 as "being in an extended state in a web length direction between the first and second outer surface webs and the first and second inner surface webs, respectively." Claim 15 then proceeds with attaching an absorber to the first elastic laminated body and the second elastic laminated body which are spaced from each other. Thus, the web of amended claim 15 is cut before laminating the elastic members between the two webs. This method suppresses wrinkles and creases in the first and second elastic laminated bodies. As a result, an absorber can be attached onto the first and second elastic laminated bodies respectively in which wrinkles and creases are suppressed.

In contrast to the method of amended claim 15, Otsubo et al. attaches the elastic elements prior to cutting the web. The Otsubo et al. reference has no suggestion of the invention defined by amended claim 15. As a result, it is submitted that amended claim 15 and its dependent claims 17 and 19 are not taught or suggested by Otsubo et al.

Amended independent claim 20 is directed to a method of manufacturing a disposable wearing article including cutting an inner surface web in a length direction into first and second inner surface webs. The method of claim 20 proceeds by spacing the first inner surface web and the second inner surface web from one another. The method of claim 20 then proceeds with "manufacturing a first elastic laminated body and a second elastic laminated body by laminating an outer surface web over the first inner surface web and the second inner surface web" with "elastic members being in an extended state in a web length direction between the outer surface web and the first and second inner surface webs." The first elastic laminated body and the second elastic laminated body are connected by the outer surface web. Amended claim 20 proceeds with "attaching an absorber to the first inner surface web and the second inner surface web which are spaced from each other" and then "forming a leg hole portion in the outer surface web."

As explained above, the Otsubo et al. reference cuts the web into two pieces after the elastic members are attached and before the absorber is attached. As explained in the subject application at paragraph 0003, wrinkles will be caused in the Otsubo et al. reference by cutting and separating the webs after the elastic member has been attached. This Otsubo et al. method causes the pad member to be attached to the webs in which wrinkles and creases already occur. The Otsubo et al. reference has no suggestion of attaching an absorber to the first and second inner surface webs while connecting the two elastic laminated bodies via the outer surface web. The Otsubo et al. reference also does

not disclose or suggest that the leg hole portion is formed in the outer surface web after the absorber is attached to the first and second inner surface webs. Accordingly, it is submitted that the invention defined by amended claim 20 and its dependent claims 22-24 is not taught or suggested by Otsubo et al.

The invention defined by new independent claim 29 is directed to a method with a step of manufacturing an elastic laminated body by laminating two webs so that an elastic member is in an extended state in a web length direction between the two webs. Claim 29 proceeds by cutting the elastic laminated body in a length direction of the elastic laminated body into a first elastic laminated body and a second elastic laminated body, each of which has a straight cut edge. Claim 29 proceeds by spacing the first elastic laminated body and the second elastic laminated body from each other and then attaching an absorber to the first elastic laminated body and the second elastic laminated body which are spaced from each other. Claim 29 proceeds by forming a leg hole portion in the first and second elastic laminated bodies.

In contrast to the method of new claim 29, the Otsubo et al. reference, the first and second elastic members are fed while describing a substantially sinusoidal curve on the web. The web then is cut along a line bisecting a distance between the first and second elastic members. Thus, the first and second web halves each have troughs and crests. The first and second web halves are spaced from each other and then the body fluid absorbent pad members are attached to the first and second web halves respectively. This method causes the wrinkles and creases to occur in the two webs for the reasons explained above. The pad member then must be attached to the two in webs which the wrinkles and creases already occur. Cutting the elastic laminated body to have straight cut edges will not produce the objectionable wrinkles and creases. The Otsubo et al.

reference does not teach or suggest that the elastic laminated body is cut into the first and second elastic laminated bodies, each of which has a straight cut edge. Additionally, the references do not teach or suggest that the leg hole portion is cut out from the first and second elastic laminated bodies after attaching the absorber to the first and second elastic laminated bodies. Accordingly, it is submitted that the invention defined by new claim 29 is not taught or suggested by Otsubo et al.

Claims 16 and 21 were rejected under 35 USC 103(a) as being obvious over Otsubo et al. considered in view of Thorson et al. (US 6,979,380). The Examiner acknowledged that the Otsubo et al. reference does not teach shifting the cut webs longitudinally so that the concave portions of the respective webs oppose each other. The Examiner turned to Thorson et al. in an effort to address this admitted deficiency of Otsubo et al.

Thorson et al. relates to a method where a web is cut in a sinusoidal wave pattern to form front and rear body panel webs, each of which has peaks and valleys (col. 11, lines 41-52). The elastic element is attached to the web prior to cutting the web. In contrast, the method of amended claim 16 now depends from new claim 28, which in turn depends from claim 15. Claim 15, as explained above, cuts an outer surface web in a length direction to form first and second outer surface webs. The first and second outer surface webs then are spaced from one another. Claim 15 proceeds by cutting an inner surface web to form first and second inner surface webs and then spaces the first and second inner surface webs from each other. Upon completion of these cutting and spacing steps, claim 15 proceeds by manufacturing a first elastic laminate body and a second elastic laminated body by laminating the first outer surface web to the first inner surface web and the second outer surface web to the second inner surface web with

elastic members being in an extended state between the first and second outer surface webs and the first and second inner surface webs respectively. The Thorson et al. reference has no suggestion of these method steps as recited in amended in claim 15. Accordingly, the Thorson et al. reference does not overcome the above-described deficiencies of Otsubo et al. when applied to claim 16. Hence, it is submitted that amended claim 16 is not suggested by Otsubo et al. considered in view of Thorson et al.

Claim 21 has been amended to depend from new claim 27, which in turn depends from amended independent claim 20. As explained above, claim 20 includes cutting an inner surface web in a length direction into a first inner surface web and a second inner surface web. Claim 20 proceeds by spacing the first inner surface web and second inner surface web from each other. Claim 20 then proceeds with manufacturing a first elastic laminated body and a second elastic laminated body by laminating an outer surface web over the first inner surface web and the second inner surface web with elastic members being in an extended state in a web length direction between the outer surface web and the first and second inner surface webs respectively. Thus, the first elastic laminated body and the second elastic laminated body are connected via the outer surface web. The Thorson et al. reference teaches that the web is cut into two pieces (front and rear body panel webs) before the absorber is attached. This causes the absorber to be attached to the webs in which wrinkles and creases already occur. Thorson et al. has no suggestion of attaching an absorber to the first and second inner surface webs while connecting the two elastic laminated bodies via the outer surface web. Thorson et al. also does not suggest that the leg hole portion is formed in the outer surface web after the absorbers are attached to the first and second inner surface webs. As a result, the Thorson et al. reference does not overcome the above-described deficiencies of Otsubo et

al. and the invention defined by amended claim 21 is not suggested by Otsubo et al. considered in view of Thorson et al.

In view of the preceding amendments and remarks, it is submitted that the claims remaining in the application are directed to patentable subject matter and allowance is solicited. The Examiner is urged to contact applicants attorney at the number below to expedite the prosecution of this application.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Gerald E. Hespos", is written over the printed name.

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